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## Poland

## Agricultural Biotechnology Annual

### Annual

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**Report Highlights:**

On February 6, 2014 the Polish President signed an amendment to the Act on genetically modified organisms introducing stricter rules to ensure greater safety associated with the cultivation and use of genetically modified organisms in laboratories. This follows piecemeal legislative changes to the National Feeds Act and National Seeds Act which brought previous Polish laws into compliance with EU legislation. In January 28, 2013 the Polish government banned the cultivation of EU-approved GE Mon-810 maize and the Amflora potato through an amendment to the Polish Seed Act. Currently Poland continues to import feeds enhanced through biotechnology. On January 1, 2017, a ban on the import of such feed is scheduled to enter into force. Originally this ban was to apply in 2008, but was delayed first until 2013 then again until 2017 due to strong opposition from Poland's livestock industry.

## **Section I. Executive Summary:**

Poland is a major agricultural producer within the new EU Member States. While a majority of Polish scientist and many farmers are open to newer technologies; the subject of agricultural biotechnology has become much politicized in Poland. Studies conducted between 2000-2012 show that 70 percent of the society is against application of agricultural biotechnology in Poland. Studies also confirm the fact that knowledge about biotechnology in Poland is very limited. Polish environmental activists and consumer groups are actively protesting against the use of biotechnology in agriculture.

On February 6, 2014 Polish President signed an amendment to the Act on genetically modified organisms introducing stricter rules to ensure greater safety associated with the cultivation and use of genetically modified organisms in the laboratories. Since June 2015 working regulations necessary to implement these regulations are going through public comment period.

As of January 28, 2013 the Polish government banned the cultivation of EU-approved GE Mon-810 maize and the Amflora potato through an amendment to the separate Polish Seed Act.

On August 28, 2012, Polish President Bronislaw Komorowski signed an amendment to the Polish Feed Act. The amendment delayed again provisions of a 2006 law that placed a ban on the entry, manufacture, market, and use of animal feed containing a genetically engineered (GE) component until January 1, 2017. The 2006 legislation had envisaged that the restrictive provisions regarding GE components in animal feed originally going into effect in 2008. Enforcement of this provision initially was delayed until January 1, 2013, now until January 1, 2017.

Given current market conditions and public perception – besides the existing feed market for soybeans, the prospect for developing the Polish market for GE crops and food is limited. Poland remains a major consumer of GE feed ingredients and on average annually imports more than 1.75 million metric tons of soybeans and soy meal and corn for the livestock sector.

Currently, the topic of GE animals is not part of Poland's political agenda. Media coverage and public awareness on the subject is low. GE animals are used only for medical research purposes.

## **Section II. Author Defined:**

## **REPORT OUTLINE**

### **Report Highlights:**

#### **Section I: Executive Summary**

#### **Section II: Plant and Animal Biotechnology**

### **CHAPTER 1: PLANT BIOTECHNOLOGY**

#### **PART A: Production and Trade**

#### **PART B: Policy**

#### **PART C: Marketing**

#### **PART D: Capacity Building and Outreach**

### **CHAPTER 2: ANIMAL BIOTECHNOLOGY**

#### **PART E: Production and Trade**

#### **PART F: Policy**

#### **PART G: Marketing**

#### **PART H: Capacity Building and Outreach**

## **CHAPTER 1: PLANT BIOTECHNOLOGY**

### ***PART A: PRODUCTION AND TRADE***

#### ***a) Product Development***

Presently there are no GE crops under commercial production. Several research institutions are *conducting* research projects under confined conditions. These research programs consist of basic research, plant breeding (in few cases in cooperation with foreign companies or laboratories), and experiments gauging the influence of GE plant varieties on the environment.

#### ***b) Commercial Production***

Since 2011 Poland's Parliament (the Sejm) has been conducting a debate on a new, very restrictive legislative proposal pertaining to agricultural biotechnology. The proposal envisages obligatory measures which would significantly burden thus discourage farmers interested in planting GE crops on a commercial scale. The Ministry of Agriculture (MOAg) has draft implementing regulations containing coexistence requirements that call for isolation zones between GE crops and conventional and organic crops of 500 and 1,000 meters, respectively.

On January 28, 2013, the ban on cultivation of GE crops entered into force along with the amended Law of the Seed (Seed Act).

#### ***c) Exports***

Not applicable.

#### ***d) Imports***

At the moment Poland continues to import feeds enhanced through biotechnology. On January 1, 2017, a ban on the import of such feed is scheduled to enter into force. Originally this ban was to apply in 2008, but was delayed first until 2013 then again until 2017 due to strong opposition from Poland's

livestock industry. Annually Poland imports an estimated 1,750 Thousand MT of animal feed with GE content. Imports originate from Argentina and Brazil (transshipped through Germany and The Netherlands) and the United States.

Current legislation prohibits planting of GE crops. Effective 28 January 2013 the amended Seed Act entered into force. Concurrently the MOAg began regulating cultivation of the two EU-approved GE events. The MOAg based its cultivation restriction on authorities defined under Article 104, paragraph 9 of the amended Seed Act.

#### **e) Food Aid Recipient Countries**

Poland is not a food aid recipient, consequently faces no issues related to biotechnology that would impede the importation of food aid donations.

### ***Part B: POLICY***

#### ***a) Regulatory Framework***

The June 22, 2001 law on “[Genetically Modified Organisms](#)” is the basis for the current regulation applicable to GE products/research.

With later amendments (in Polish language):

[http://orka.sejm.gov.pl/proc7.nsf/ustawy/2394\\_u.htm](http://orka.sejm.gov.pl/proc7.nsf/ustawy/2394_u.htm)

In Poland the Ministry of Environment (MOE) is the competent authority handling the notification and regulation of agricultural biotechnology use in Poland. The MOE is advised by the Polish Commission for the use of GE Products, an expert advisory body consisting of scientists, representatives from administrative authorities and non-governmental organizations.

MOE cooperates with the Ministry of Health (MOH) regarding address of potential risks to human health.

The MOE is the Competent Authority in reference to the Cartagena Protocol on Biosafety.

The Ministry of Agriculture (MOAg) is responsible for animal health, crops, feeds, and agricultural risks associated with biotechnology.

The MOA is the Competent Authority in reference to food and feed enhanced through biotechnology and on rules for co-existence.

In 2011, the Polish Parliament (the Sejm) initiated debate on a new, very restrictive legislative proposal pertaining to agricultural biotechnology. The proposal envisages obligatory measures that would burden farmers interested in planting GE crops thus discourage their planting on a commercial scale. The new law envisages restrictive coexistence measures, as well as many stringent administrative measures and penalties for farmers intending to plant GE crops. The new GE crops legislation is expected to be completed by end of 2014. Draft of the proposed legislation in Polish language is available at: <http://orka.sejm.gov.pl/Druki6ka.nsf/wgdruku/2547>

On June 1, 2011, the full Parliament passed the revised National Seeds Law with restrictive language prohibiting distribution of GE seeds (officially banned for commercial trade since 2006).

The Polish President vetoed the new seeds law passed by the Parliament; in part on grounds the proposed legislation would prohibit registration of genetically-engineered seed in the national registry, a requisite for commercial cultivation in Poland and in part the legislation would not bring Poland into compliance with the findings of the European Court of Justice.

On December 21, 2012, President Komorowski signed into law amendments to the Law of the Seed that brought Poland into compliance with EU legislation.

On January 2, 2013, the Polish Council of Ministers, at the request of the Minister of Agriculture, re-authorized its 2008 framework position on biotechnology. With re-authorization of the government policy and under the auspices of the EU safeguard clause, the MOAg regulated cultivation of GE crops effective January 28.

On January 28, 2013, the ban on cultivation of GE crops entered into force along with the amended Law of the Seed.

On January 1, 2017, Poland is scheduled to prohibit imports of GE content animal feed.

On June 20, 2013 the European Commission took Poland to the EU Court of Justice for failure to comply with the EU principles of monitoring of GE crops, including registry location of such crops. This follows the Commission warning on November 22, 2012, that Poland needed to take action on implementing EU legislation in the field of monitoring of GE crops.

In 2014 European Commission published information on potential further actions against Poland based on above mentioned principles, which could include significant financial penalties for Poland. This situation is the likely cause for speed up in work on long overdue comprehensive legislation on biotechnology in Polish Parliament.

On February 6, 2014 the Polish President signed an amendment to the Act on genetically modified organisms introducing stricter rules to ensure greater safety associated with the cultivation and use of genetically modified organisms in the laboratories. Working regulations necessary to implement these regulations are currently going through a public comment period.

#### ***b) Approvals***

For information regarding bioengineered crops approved for cultivation, food or feed use, please refer to 2014 EU 28 Biotechnology Report available at [www.fas.usda.gov](http://www.fas.usda.gov) via Attaché Reports link.

On January 28, 2013, the ban on cultivation of GE crops entered into force in Poland along with the amended Law of the Seed (a number of Member States have invoked the so-called 'safeguard clause' of the previous EU Directive 90/220/EEC. This clause is also included in Directive 2001/18/EC (Article 23), which replaced Directive 90/220/EEC. This safeguard clause provides that where a Member State

has justifiable reasons to consider that a GMO, which has received written consent for placing on the market, constitutes a risk to human health or the environment, it may provisionally restrict or prohibit the use and/or sale of that product on its territory.)

***c) Field-Testing***

In 2015 two GE plants were undergoing field tests in Poland: poplars and flax.

***d) Stacked Event Approvals***

Poland implements EU legislation regarding stacked events, for more information please see the 2014 EU 28 Biotechnology Report available at [www.fas.usda.gov](http://www.fas.usda.gov) via Attaché Reports link.

***e) Additional Requirements***

There are no additional requirements rather than those described in other chapters of this report or required by the superior EU legislation.

***f) Coexistence***

The Polish Ministry of Agriculture has draft coexistence implementing regulations that call for isolation zones between genetically-engineered crops and their conventional and organic crops of 500 and 1,000 meters, respectively. New legislation is expected to be completed by the end of 2014.

***g) Labeling***

Packaged foods and feeds derived from and/or containing GE enhanced ingredients must be labeled. “Contains GMOs” is a typical example of a product label statement found on the Polish market. Labeling is enforced by local authorities and follows EU labeling standards. For more information on EU biotechnology labeling requirements see the 2014 EU 28 Biotechnology Report available at [www.fas.usda.gov](http://www.fas.usda.gov) via Attaché Reports link.

***h) Trade Barriers***

Currently there are no trade restrictions on U.S. products at the national level. The European anti-biotech climate remains the major trade constraint for GE products.

***i) Intellectual Property Rights***

Poland adheres to EU legislation. For more information on EU biotechnology IPR see the 2014 EU 28 Biotechnology Report available at [www.fas.usda.gov](http://www.fas.usda.gov) via Attaché Reports link.

***j) Cartagena Protocol Ratification***

Poland – date of ratification: December 10, 2003

Date of entry into force: March 9, 2004. Additional information available at:

<http://bch.cbd.int/about/countryprofile.shtml?country=pl>

***k) International Treaties/Fora***

Poland has not taken any significant position in international fora, e.g. at the Codex Alimentarius. The MOAg and MOE are openly opposed to GE plants and products. On January 2, 2013, the Polish Council of Ministers, at the request of the MOAg, re-authorized its 2008 framework position on

biotechnology and permitted the Ministry to ban cultivation of GE crops by applying the EU safeguard clause. This position is being popularized during many international meetings of Agricultural decision makers.

### ***l) Related Issues***

While Polish scientists are interested in New Breeding Technologies (zinc fingers, site directed mutagenesis etc.), Polish authorities are rather hesitant in their adoption. Reportedly even research studies on (EU approved) GE plants are not granted permission to be conducted lately.

### ***m) Monitoring and Testing***

The Ministry of Agriculture (MOAg) is responsible for animal health, crops, feeds, and agricultural risks associated with biotechnology.

The MOA is the Competent Authority in reference to food and feed enhanced through biotechnology and on rules for co-existence.

Official MOAg web page includes information on GMO including field test results, following GMO cultivation ban implementation:

<http://www.minrol.gov.pl/pol/Informacje-branzowe/Informacje-branzowe-aktualnosci/Zakaz-stosowania-materialu-siewnego-odmian-genetycznie-zmodyfikowanych/>



In 2013 MOAg conducted information campaign for Polish farmers informing them about the GMO

cultivation ban:



Campaign was followed by MOAg field and laboratory inspections (nine thousand test conducted), which confirmed successful implementation of GMO cultivation ban in Poland.

#### ***n) Low Level Presence Policy***

Low-Level Presence Policy: Poland has been open to imports of commodities holding a low level presence of bioengineered events in general. Despite its official anti-GE position, at the EU level Poland supports resolution of the issue.

### ***Part C: MARKETING***

#### ***a) Market Acceptance***

As of January 2013 Poland enforced a ban on cultivation of GE crops. Recent retail studies show that purchase decisions of the majority of Polish customers are determined by price of the product – versus its ingredient list.

In 2013 and 2014 Polish consumers were exposed to first national anti-GE ad campaign on National Polish TV:

Non GMO Eggs produced by Farmio Company – Campaign conducted in National Polish TV and several private TV stations.





<http://www.youtube.com/watch?v=UdJ3ZLCnpvo>

Further promotional media campaigns included:



GMO free mozzarella like cheese from Zott company.



Poultry producer Drosed promotes its products as GMO free.

#### ***b) Public/Private Opinions***

According to national polls nearly 70 percent of the Polish population is against usage or cultivation of GE crops and products. Studies also reveal that level of knowledge in Poland about GE plants and products is very shallow.

Anti-GE organizations active in Poland include: Greenpeace, International Coalition to Protect

the Polish Countryside, Stop GMO, Friends of the Polish Countryside, The Greens/European Free Alliance in the European Parliament, Friends of the Earth, Association of Ecological Farmers. All groups are very vocal and employ Polish celebrities in order to attract media coverage. Consistent with their marketing strategy in other countries, their scripts are based on innuendos, not verified studies or actual results of the technologies use in other countries.

### ***c) Marketing Studies***

Polls conducted in Poland in 2012 show that nearly 70 percent of respondents were against buying/eating food derived from GE crops. Usage of feeds containing GE content is not being questioned, mostly due to lack of awareness.

## ***Part D: CAPACITY BUILDING AND OUTREACH***

### ***a) Activities***

FAS/Warsaw worked with Universities in Warsaw, Krakow and Poznan in Poland to bring speakers on biotechnology related matters to seminars and conferences held in Poland. These outreach efforts attracted many Polish specialists in the field of biotechnology and gained positive media coverage.

Speakers included: Prof. Yiping Qi, East Carolina University;

Prof. Neal Stewart, University of Tennessee; Dr. Tomas Moravec, Research Institute / Laboratory of Virology, Institute of Experimental Botany of the Czech Academy of Sciences in Prague and Prof. Jo Husbands, Board of Life Science, American Academy of Science.

FAS Warsaw in cooperation with FAS Prague organized outreach activities including the preparation of four educational videos on the subject of biotechnology. These videos were translated into Polish, Lithuanian and Latvian, and distributed in respective countries.

Working together with Polish Biotechnology Students Association FAS Warsaw organized a seminar, where the videos were introduced to media and academia audience.

Report on the event can be located at: [Presentation of new educational videos on biotechnology in Poland. Warsaw Poland 7-15-2013](#)

FAS Warsaw facilitated participation of Dr. Peter Davies, a U.S. speaker at presentations organized in Lithuania, Latvia and Estonia. Outreach audience included academia, biotechnology students and media. Dr. Peter Davies, professor of Plant Physiology at Cornell University in Ithaca, NY, has been serving as a Jefferson Science Fellow in Agricultural Biotechnology in the Bureau of Economics and Business, Office of Agriculture Biotechnology and Textile Trade affairs, with the responsibility of promoting agricultural biotechnology.

### ***b) Strategies and Needs***

FAS Warsaw's outreach strategy remains supporting efforts of Polish academia and research sector which calls for a rational approach towards biotechnologies and for their attempts to dispel myths about the technology. The target audience includes farmers, younger generation and students using new media technologies.

## **Chapter 2: ANIMAL BIOTECHNOLOGY**

Cloning is an animal biotechnology that developers frequently utilize in conjunction with other animal biotechnologies such as genetic engineering and therefore included in this report.

### ***Part E: PRODUCTION AND TRADE***

#### ***a) Biotechnology Product Development***

In Poland GE animals are used for basic research and pharmaceutical studies.

Research on GE animals is very limited. Three research centers in Poland: Institute of Animal Breeding in Balice (Krakow), Institute of Animal Genetics in Jastrzebiec (Warsaw) and Agricultural University (Poznan) conduct such research. Each research project must be approved by the MOE.

In Poland GE animals are used in pharmaceutical experiments but as in any EU country it is not allowed to use GE animals for food.

The main objectives of research on GE animals are:

- Use in the production of proteins, enzymes and other substances in the pharmaceutical industry;
- Immunization of livestock for diseases;
- Increase productivity and efficiency of animals and thus obtain the desired animals traits for breeding;
- Production of material for xenotransplantation.

#### ***b) Commercial Production***

In Poland GE animals are used for basic research and pharmaceutical studies. Likewise, there are no commercial applications of animal cloning

#### ***c) Biotechnology Exports***

N/A

#### ***d) Biotechnology Imports***

N/A

### ***Part F: POLICY***

#### ***a) Regulation***

Legislation on GE animals is based on the Polish Law on “Genetically Modified Organisms” dated June 22, 2001 (updated May 21, 2003). This legislation mainly addresses GE plants.

The Sejm is working on a new biotechnology law (see Plant Section of the report).

The MOE is responsible for oversight of existing biotechnology regulations.

The MOH is responsible for regulation of food originating from genetically engineered animals. These foods are considered “novel foods.”

According to the General Veterinary Inspectorate of the Ministry of Agriculture there are no regulations in Poland which are specific to GE animals.

Biotechnology in general in Poland remains a very political issue.

***b) Labeling and Traceability***

Poland has been following the EU regulations in this area; there is no national policy in place.

***c) Trade Barriers***

Main trade barrier remains the EU policy.

***d) Intellectual Property Rights***

N/A

***e) International Treaties/Fora***

N/A

***Part G: MARKETING***

***a) Market Acceptance***

N/A

***b) Public/Private Opinions***

So far there haven't been significant discussions on the topic that would divide the general public into distinctive opinion groups.

***c) Market Studies***

FAS Warsaw is not aware of any market studies or activities related to animal biotechnology and GE animals.

***Part H: CAPACITY BUILDING AND OUTREACH***

***a) Activities***

N/A

***b) Strategies and Needs***

N/A